IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 11566 of 2004

Between:

Rithwik Energy Systems Ltd, Lanco House,141 Avenue 8,

Road No.2, Banjara Hills, Hyderabad rep.by its Director,
Sri R.S.Sreenivas, S/o R.Somasundara Rao, aged about 44

years,R/o Lakshmi Sri Villa, Road No.2 & 8, Jubilee Hills,

Hyderabad

..... PETITIONER

AND

1.Transmission Corporation of Andhra Pradesh Ltd. Vidyut

Soudha, Hyderabad, rep.by its Chairman & M.D.
2.Andhra Pradesh Electricity Regulatory Commission, Singareni

Bhavan, Red Hills, Hyderabad rep.by its Chairman

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of a Mandamus or declaration: (a) declaring the action of the second respondent in initiating proceedings and issuing the order/directions in Letter No.APERC/Secy/Dir(Engg)/DD(Tr)/F-PPA/D.No.1892/2003 dated 18-08-2003 and the further order/direction in the second respondents Letter No.APERC/secy/Dir(Engg)/DD(Tr)/F-PPA/ D. No.2739/2003 dated 15-11-2003 as illegal and contrary to law and to set aside the same; and (b) declaring that the first

respondent is liable to purchase and pay for all the energy delivered from the power project of the Petitioner to the first respondent as per the existing Power Purchase Agreement between the first respondent and the Petitioner without any limitation; and (c) declaring the action of the first respondent as communicated by the first respondent's letter FA& CCs/A&D/SAO/PP&S/D.No.649/04 dated 26-06-2004 in deducting the amount for the alleged quantum of excess energy delivered above 100% PLF during each 30 minutes time block for the months from December 2003 to May 2004 and subsequently as arbitrary, unreasonable and contrary to law;

Counsel for the Petitioner: MR.KATRAGADDA GOPAL CHOUDARY

Counsel for the Respondents: SMT.M.VINOBHA DEVI

The Court made the following :

ORDER:-

Learned counsel for the writ petitioner seeks permission to withdraw this writ petition. Permission is accorded.

Accordingly, this writ petition is dismissed as withdrawn.

16—08—2004.

Stv/-

ASSISTANTREGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.Transmission Corporation of Andhra Pradesh Ltd. Vidyut

Soudha, Hyderabad, rep.by its Chairman & M.D.
2.Andhra Pradesh Electricity Regulatory Commission, Singareni

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